

APPENDIX I

General Conditions for the Licence

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Regional Head of any change of name, address, premises and/or legal status.
4. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Regional Head within 60 days of the said change taking place.
5. If a Water User Association is established in the area to manage the resource, membership of the Licensee to the Association is compulsory. Rules, regulations and water management stipulation of such association must be adhered to.
6. The Licensee shall be responsible for any water use charges and/or levies imposed by a Responsible Authority.
7. While effect must be given to the Reserve as determined in terms of the Act, where a lower confidence determination of the Reserve has been used in issuance of this licence, the licence conditions may be amended should a higher confidence reserve be conducted.
8. The licence shall not be construed as exempting the Licensee from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
9. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other provisions of the Act, as amended from time to time.
10. The Licensee shall conduct an internal audit on compliance with the conditions of this licence after construction. A report on the audit shall be submitted to the Regional Head within one month of the finalization of the audit.
11. The Licensee shall appoint an independent external auditor to conduct a biennial external audit on compliance with the conditions of this licence. The first audit must be conducted within three (3) months of the date of this licence and a report on the audit shall be submitted to the Regional Head within one (1) month of finalisation.
12. Any incident that causes or may cause water pollution must be reported to the Regional Head or a designated representative within 24 hours.
13. The Licensee shall use water efficiently to minimize total water intake, void usage of water where possible, implement good housekeeping and operating practices, and maximize the re-use /recycling of contaminated water.
14. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of / amongst other things.
 - 14.1 Shortage of water;
 - 14.2 Inundation of flood;
 - 14.3 Any force majeure event;
 - 14.4 Siltation of the river or dam basin; and
 - 14.5 Required Reserve releases.



APPENDIX II

Section 21 (a) of the Act: Taking water from a water resource

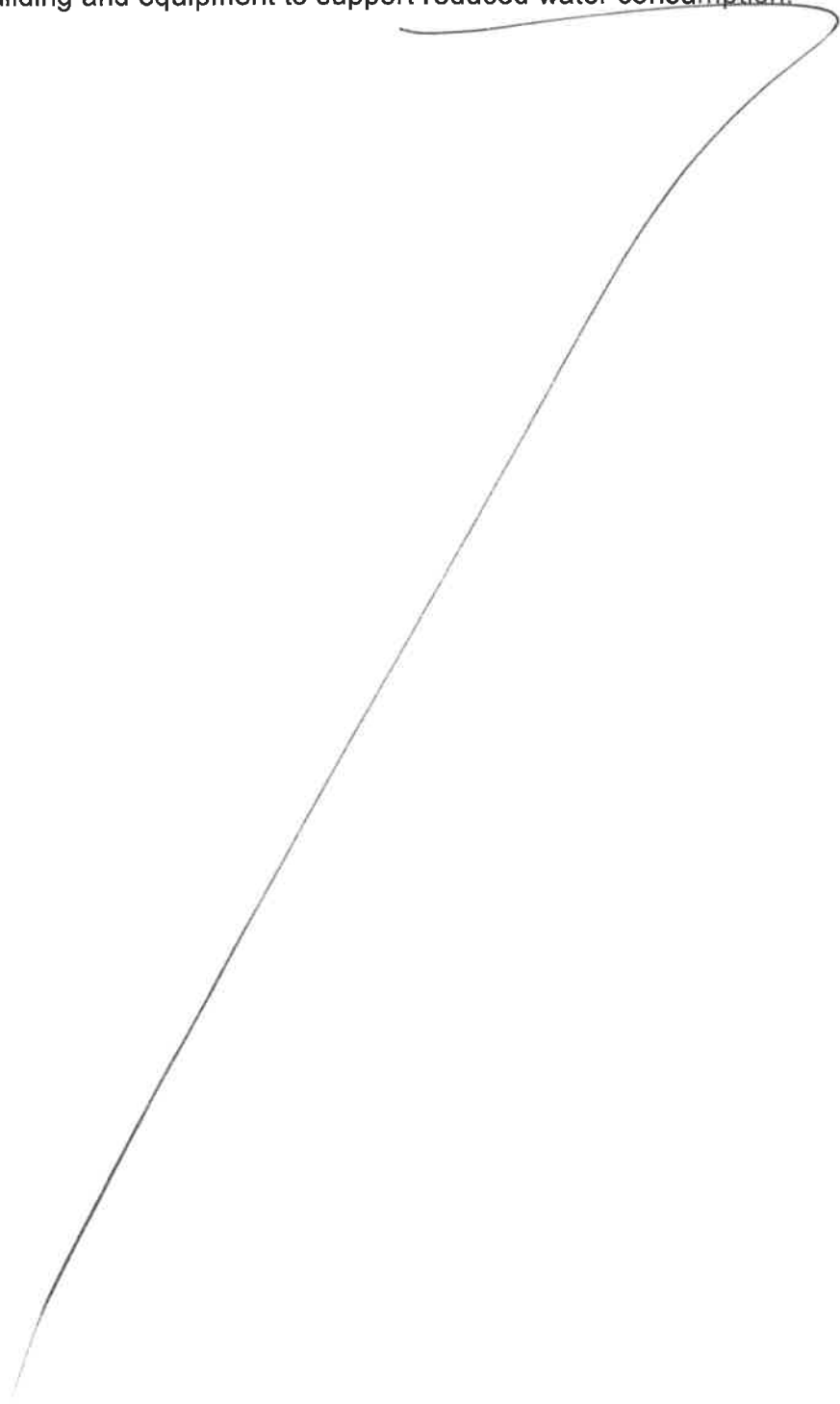
1. This licence authorises the abstraction of **7 599.6m³/a** of surface water from the Orange River referred to in Table 1 below.

Table 1: Authorised water use

Water use(s)	Purpose	Capacity/ Volume (m ³ , tonnes and/or m ³ /annum) or dimensions	Property Description	Co-ordinates
Section 21 (a)				
Abstraction from the Orange River	Operation of the resort (Water for chalets, restaurant, laundry room etc.)	7 559.6 m ³ /a	Portion 18 of Farm Rooisand No.387	S 28° 52' 31.6" E 21° 59' 13.6"
Total		7 559.6 m³/a		

2. This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
3. Due to possible over-allocation of water in this water resource, when compulsory licensing is required in future in terms of Chapter 4 of the Act, this licence will be subject to a reduction of the allocated volume in order to comply with the requirements of the Act.
4. The above-mentioned volume may be reduced when the licence is reviewed.
5. The Licensee must continually investigate new and emerging technologies and put into practice water efficient devices or apply technique for the re-use of water containing waste, in an endeavor to conserve water at all times.
6. All water taken from the resource must be measured as follows:
 - 6.1 The daily quantity of water taken must be metered or gauged (SABS approved), and the total recorded at the last day of each month; and
 - 6.2 The licensee must keep record of all water taken and a copy of the records of all monitoring data must be forwarded MONTHLY to the Department of Water & Sanitation office in Kimberley.
7. No water taken may be pumped, stored, diverted, or alienated for purposes other than intended in this licence, without written approval by the Responsible Authority.
8. The Licensee must install and monitor appropriate water measuring devices to measure the amount of water abstracted, received and/or consumed, as applicable to the infrastructure.
9. The Licensee will be responsible for any water use charges or levies, which may be imposed from time to time by the Department in terms of the Department's Raw Water Pricing Strategy.
10. The Licensee must establish a Programme of formal Information Management System, which maintains a database on water supply, distribution and delivery infrastructure.

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- 11 The Licensee must establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders with respect to water conservation/water demand management initiatives.
 - 12 The Licensee must consider the principles of integrated resource planning (IRP) in development of all new infrastructure, with water, waste and energy demand management being central considerations.
 - 13 The Licensee must optimize water use and design new infrastructure to ensure optimal layout of building and equipment to support reduced water consumption.
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APPENDIX III

Section 21 (b) of the Act: Storing water

1.1 This licence authorises storing of water as indicated in Table 1.

Table 1: Section 21(b) water uses

Water use(s)	Purpose	Capacity/ Volume (m ³ , tonnes and/or m ³ /annum) or dimensions	Property Description	Co-ordinates
Section 21 (b)				
Storage of surface-water in an onsite earth dam	Raw water holding dam	Volume: 25 000 m ³	Portion 18 of Farm Rooisand No.387	S28° 51'50.04" E 21° 59' 10.7"

- 1.2 The Licensee is not indemnified from any detrimental effect that the reservoir may have on other properties and safety of the public. The Department does not accept any responsibility or liability for any damages or losses that may be suffered by any other party as a result of the construction and utilisation of the dam(s).
- 1.3 The Licensee must follow acceptable construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the storage of water in all storage facilities.
- 1.4 No additional water storage facilities can be constructed on the property without prior written consent of the Minister or responsible authority.

2 Monitoring Requirements

- 2.1 Suitable measuring structures must be constructed to measure the flow entering and leaving the storage facilities and this information must be available on request.
- 2.2 The quantity of water stored shall be recorded as at the last day of each month.

3 Dam Safety Requirements

- 3.1 The Licensee is responsible for the dam to be lined.

4 Construction of Dam(s)

- 4.1 The Government reserves the right to construct storage works at any time in any stream and to store all surplus water reaching the dam(s) and to control the allocation of such water.

APPENDIX IV

Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse
and

Section 21(i) of the Act: Altering the bed, banks, course or characteristic of a
watercourse

1. GENERAL

- 1.1 This licence authorises **Mr. L. Humphreys: Destination Resort** for Section 21(c) and (i) water use activities for the facilities as set out in Table 1 within quaternary catchment D73D.

Table 1: Water Use Activities

Water use(s)	Purpose	Capacity/ Volume (m ³ , tonnes and/or m ³ /annum) or dimensions	Property Description	Co-ordinates
Section 21 c & i				
Development of a pump house on the Orange River bank for water abstraction	Pump house for water abstraction	Height = 1.2m width = 1m length = 1m	Portion 18 of Farm Rooisand No.387	S 28° 52' 33.2" E 21° 59' 19.6"
Section 21 c & i				
Development of infrastructure near ephemeral stream	Development of a bar for entertainment, conservancy tank for sewage and related infrastructure	Height = 3.5m width = 15m length = 15m	Portion 18 of Farm Rooisand No.387	S 28° 52' 31.5" E 21° 59' 18.4"

- 1.2 The Licensee must carry out and complete all the activities listed under condition 1.1 according to the following:

- 1.2.1 Reports submitted to the Department or the Regional Head, specifically:
1.2.2 Conditions of this licence; and
1.2.3 Any other written direction issued by the Regional Head in relation to this licence.

- 1.3 No activity must take place within the extent of a watercourse/s, unless authorised by this licence.

- 1.4 The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of these activities and the licensee must take such measures that are necessary to bind such persons to the conditions of this licence.

- 1.5 No fundamental alterations of the work method statements, site plan/s and drawings are allowed, unless a modification is requested and granted by the responsible authority in writing; and

- 1.6 No site activities must occur beyond the proposed site location of the erosion and sedimentation controls and marked limits of disturbance.

2. FURTHER REQUIREMENTS

- 2.1 For all the activities listed under condition 1.1, Table 1, "as-built" plans and engineering drawings prepared by a registered professional engineer, must be submitted to the Regional Head within six (6) months of completion. These plans and drawings must indicate the watercourse/s including wetland boundaries and layout and structure location/s of all infrastructure impeding and/or diverting flow of water in the watercourse/s as well as alternations to watercourse/s on the property/ies.

3. PROTECTIVE MEASURES

3.1 Storm Water Management

- 3.1.1 Storm water management practices must be constructed, operated and maintained in a sustainable manner throughout the project and for the water use activities set out in condition 1.1 and as detailed in the Storm Water Management Plan;
- 3.1.2 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering any watercourse/s;
- 3.1.3 Storm water must be diverted from the Resort and must be managed in such a manner as to disperse runoff and to prevent the concentration of storm water flow;
- 3.1.4 The velocity of storm water discharges must be attenuated and the banks of the watercourse/s protected; and
- 3.1.5 Storm water leaving the licensee's premises must in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.

3.2 Structures, Construction Plant and Materials

- 3.2.1 Structures must not be damaged by floods exceeding the magnitude of floods occurring on average once in every 100 years.
- 3.2.2 Structures must be non-erosive, structurally stable and must not induce any flooding or safety hazard.
- 3.2.3 Structures must be inspected regularly for accumulation of debris, blockage, erosion of abutments and overflow areas - debris must be removed and damages must be repaired and reinforced immediately.

3.3 Water Quality

- 3.3.1 Activities must be scheduled to take place during the dry seasons when flows are lowest where reasonably possible.
- 3.3.2 The licensee must ensure that the quality of the water to downstream water users does not decrease because of the of the water use activities listed under condition 1.1.
- 3.3.3 Pollution of and disposal/spillage of any material into the watercourse/s must be prevented, reduced, or otherwise remediated through proper operation, maintenance and effective protective measures.
- 3.3.4 Vehicles and other machinery must be serviced outside the extent of the watercourse/s. Oils and other potential pollutants must be disposed of at a licensed site, with the necessary agreement from the owner of such a site.

3.4 Riparian and Instream Habitat (Vegetation and Physical Structure)

- 3.4.1 Activities must start up-stream and proceed into a down-stream direction where feasible, so that the recovery processes can start immediately, without further disturbance from upstream works.
- 3.4.2 Operation and storage of equipment within the riparian habitat must only take place within the approved limits of disturbance indicated in the site plans and work method statements referred to in condition 1.1 of this Appendix.
- 3.4.3 Activities must not occur in sensitive riffle habitats unless authorised by this licence.
- 3.4.4 Indigenous riparian vegetation, including dead trees, outside the limits of disturbance indicated in the site plans referred to in condition 1.1 of this Appendix must not be removed from the area.
- 3.4.5 Alien and invader vegetation must not be allowed to further colonise the area, and all new alien vegetation recruitment must be sustainably eradicated or controlled.
- 3.4.6 Soils that have become compacted through the water use activities must be loosened to an appropriate depth to allow seed germination.
- 3.4.7 Stockpiling of removed soil and sand must be stored outside the extent of the watercourse/s, to prevent being washed into the watercourse/s and must be covered to prevent wind and rain erosion.
- 3.4.8 The use of machinery within the instream and riparian habitat will lead to compaction of soils and vegetation and must be restricted to demarcated areas only.

3.5 Other Water Users

- 3.5.1 The licensee must attempt to prevent adverse effect on other water users. All complaints must be recorded in complaints register and be investigated by a suitable qualified person and if investigations prove that the licensee has impaired the rights of other water users, the licensee must initiate suitable compensative measures.

3.6 Rehabilitation and Management

- 3.6.1 The licensee must implement the rehabilitation programme to restore the watercourse/s to environmentally acceptable and sustainable conditions after completion of the activities as outlined in the rehabilitation plan.

4. SITE SPECIFIC CONDITIONS

- 4.1 It is proposed that the applicant compile an Environmental Audit with mitigation measures to address the existing impacts, hierarchy of mitigation, landscape design, Storm Water Management Plan, Rehabilitation plan, Plant Species Plan Monitoring and auditing plan.
- 4.2 The applicant should conduct a phased approach to remove conservancy tanks and other infrastructure like housing out of the 1:100 year floodline.

APPENDIX V

Section 21(e) of the Act: Engaging in a controlled activity; Irrigation of any land with waste or water containing waste

1 QUANTITY OF WATER CONTAINING WASTE FOR IRRIGATION

1.1 This licence authorises the irrigation as shown in Table 1.

Table 1: water uses authorised

Water use(s)	Purpose	Capacity/ Volume (m ³ , tonnes and/or m ³ /annum) or dimensions	Property Description	Co-ordinates
Section 21(e)				
Irrigation of land with waste water from the purification plant	Irrigation of the sport field and gardens	576 m ³ /a	Portion 18 of Farm Rooisand No.387	S28° 51'59.04" E 21° 59' 0.72"

1.2 The quantity of wastewater authorised to be irrigated with in terms of this licence may not be exceeded.

2 QUALITY OF WATER CONTAINING WASTE TO IRRIGATE

2.1 The quality of water containing waste to be irrigated must not exceed the following limits as listed in Table 2.

Table 2: Quality of waste water to irrigate

VARIABLE	LIMIT
pH	5.5 – 9.5
Electrical Conductivity	75 mS/m above intake to a maximum of 150 mS/m
Nitrate (as N)	15 mg/l
Ammonia (as N)	10 mg/l
Chemical oxygen demand(COD)	75 mg/l after removal of algae
Faecal coliform units (FCU)	100 per 100 ml
Orthophosphate (as P)	10 mg/l
Suspended solids	25 m/l

3 MONITORING

3.1 The quantity of water containing waste irrigated must be metered and recorded daily.

3.2 Monitoring for the quantity of the water containing waste for irrigation must be done at the point of abstraction.

4 GENERAL IRRIGATION PRACTICES

4.1 Irrigation must be practised in accordance with the guidelines prescribed in the document titled "*Guide: Permissible Utilisation and Disposal of Treated Sewage Effluent*", issued by the former Department of Health under reference 11/2/5/3 and dated 30 May 1978, and the

PB

"Guideline for the Utilisation and Disposal of wastewater sludge", volume 1-5, respectively or in accordance with any relevant regulations promulgated under section 26 of the Act.

- 4.2 Irrigation with waste must be practiced in a systematic manner and precautions must be taken so as to prevent -
- 4.2.1 Water logging and pooling of waste in any location
 - 4.2.2 Pollution of underground water or surface water due to seepage or otherwise
 - 4.2.3 Fly breeding, public health hazard, odour or secondary pollution
 - 4.2.4 Runoff from the irrigation area because of wet weather or any other conditions whatsoever and
 - 4.2.5 The site of the irrigation area must be adequately fenced to prevent the entry of animals and unauthorised persons.
- 4.3 Notices manufactured of durable weatherproof material prohibiting unauthorised entry and warning against the use of water containing waste for drinking and washing purposes must be displayed at prominent places along the fence and at entrance gates. Such notices must be worded in the official languages applicable in the area.
- 4.4 The licensee must take adequate measures to:
- 4.4.1 Provide adequate storage capacity for the total inflow of water containing waste during periods while irrigation cannot be practised, with a freeboard of at least 0,8 metre above the expected maximum water level, which must be based on the average monthly rainfall figures for the catchment area concerned, less the gross mean evaporation in that area, plus the maximum precipitation to be expected over a period of 24 hours with a frequency of once in 100 years.
 - 4.4.2 Ensure that no irrigation takes place in times of wet weather.
- 4.5 The irrigation practice must be evaluated on a yearly basis by a competent soil scientist appointed by the licensee to determine the efficient functioning and possible deterioration of soils.

5 STORM WATER MANAGEMENT

- 5.1 All storm water run-off diverted from the site must be received and disposed of in a way that will not negatively impact the quality and total integrity of the receiving water resource.
- 5.2 The licensee must provide contour walls or furrows around the irrigation area to prevent storm water ingress or water containing waste from entering any river, stream or wetland.
- 5.3 The Licensee must prevent seepage and runoff from the area under irrigation from flowing or seeping beyond the boundaries of the irrigation area.

6 PIPELINES

- 6.1 The pipelines used for the conveyance of the wastewater must be painted in a conspicuous colour or manufactured of a coloured material distinctly different from the colour of the pipelines in which drinking water is flowing to avoid the possibility of any cross-connections of the different pipelines.
- 6.2 All stop-valves and taps on the pipelines conveying the effluent must be of a type that can be opened and closed by means of a loose wrench. This wrench must be in the safekeeping of a responsible member of the staff to prevent unauthorised use thereof.



- 6.3 Notices manufactured of a durable weatherproof material warning against the use of water containing waste for drinking and washing purposes must be displayed at prominent places where the waste is being reused and at all taps. Such notices must be worded in the official languages applicable in the area.

7 METHODS OF SAMPLING AND ANALYSIS

- 7.1 Sampling and analysis shall, wherever applicable, be carried out in accordance with methods prescribed by, and obtainable from, the South African Bureau of Standards (SABS), in terms of the Standards Act, 1982 (Act 30 of 1982), or any other method approved in writing by the Regional Head or Responsible Authority.
- 7.2 The methods of analysis shall not be changed without prior notification to, and written approval by the Regional Head or Responsible Authority.
- 7.3 Sample analysis must be conducted by a recognized analytical laboratory, accredited to analyse the relevant constituents in the wastewater, or approved by the Regional Head or Responsible Authority to perform the analyses.



APPENDIX VI

Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource

1 QUANTITY OF WASTE TO BE DISPOSED

- 1.1 This Licensee is authorised to dispose wastewater into a Conservancy Tank as detailed in Table 1 below.

Table 1: Water use activities for section 21 (g)

Water use(s)	Purpose	Capacity/ Volume (m ³ , tonnes and/or m ³ /annum) or dimensions	Property Description	Co-ordinates
Section 21 (g)				
Conservancy tank near the office	Storing of the domestic waste water at the office and gate security	Volume: 6.48 m ³ Storage capacity: 16.20 days	Portion 18 of Farm Rooisand No.387	S 28° 52' 36.2" E 21° 59' 23.0"
Section 21 (g)				
Conservancy tank near the swimming pool and bar	Storing of the domestic waste water near the swimming pool (day facility)	Volume: 15.30 m ³ Storage capacity: 1.56 days	Portion 18 of Farm Rooisand No.387	S 28° 52' 32.0" E 21° 59' 18.0"
Section 21 (g)				
Conservancy tank for accommodation units	Storing of the domestic waste water for tented units, prefab rooms, chalets and restaurant	Volume: 16.42 m ³ Storage capacity: 1.84 days	Portion 18 of Farm Rooisand No.387	S 28° 52' 32.0" E 21° 59' 21.6"
Section 21 (g)				
Conservancy tank for accommodation units	Tented accommodation and new accommodation flats	Volume: 18.00 m ³ Storage capacity: 7.20 days	Portion 18 of Farm Rooisand No.387	S 28° 52' 31.0" E 21° 59' 20.6"
Section 21 (g)				
Conservancy tank at the sport field	Storing of the domestic waste water at the sports field	Volume: 10.80 m ³ Storage capacity: 0.95 days	Portion 18 of Farm Rooisand No.387	S28° 20'59.04" E22° 59' 22.72"

- 1.2 The quantity of waste/wastewater authorised to be disposed of in terms of this licence must not be exceeded.

2. STORMWATER

- 2.1 Storm water leaving the Licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas of a combination thereof which is produced, used, stored dumped or spilled on the premises.
- 2.2 Increased runoff due to vegetation clearance and soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the streams.
- 2.3 The Licensee shall ensure that no stormwater ingress into the wastewater system and that no wastewater ingress into the stormwater system.
- 2.4 Wastewater impoundments must be designed, constructed and managed to ensure that there is sufficient capacity to contain the 1:50 year flood event, with a minimum of 0.8 m freeboard. Freeboard will be defined as the difference between the water level and the crest of the overflow.
- 2.5 Wastewater systems must be properly maintained on a continuous basis.
- 2.6 Storm water shall be diverted from the impoundments and roads and shall be managed in such a manner as to disperse runoff and to prevent the concentration of the storm water flow.
- 2.7 Cut-off drains shall be provided around the properties to prevent storm-water ingress into the surrounding of the works. These drains shall be designed to contain the maximum runoff, which could be expected over a period of 24 hours with a frequency of once in every 20 years.
- 2.8 The Licensee shall conduct regular inspections upstream to ensure that stormwater does not ingress into the wastewater system.

3.1 MALFUNCTIONS/ABNORMAL CONDITIONS

- 3.1 Accurate and up-to-date records must be kept of all system malfunctions resulting in non-compliance with the requirements of this licence. The records must be available for inspection by the Regional Head upon request.
- 3.2 The records shall be tabulated under the following headings with a full explanation of all the contributory circumstances:
 - 3.2.1 Operating errors
 - 3.2.2 Mechanical failures (including design, installation or maintenance)
 - 3.2.3 Environmental factors (e.g. floods)
 - 3.2.4 Loss of supply services (e.g. power failure)
 - 3.2.5 Other causes
- 3.3 The Licensee must, within 14 days, or a shorter period of time, as specified by the Regional Head, from the occurrence or detection of any incident referred above, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Regional Head of measures taken to:
 - 3.3.1 Correct the impacts resulting from the incident;
 - 3.3.2 Prevent the incident from causing any further impacts; and
 - 3.3.3 Prevent a recurrence of a similar incident.



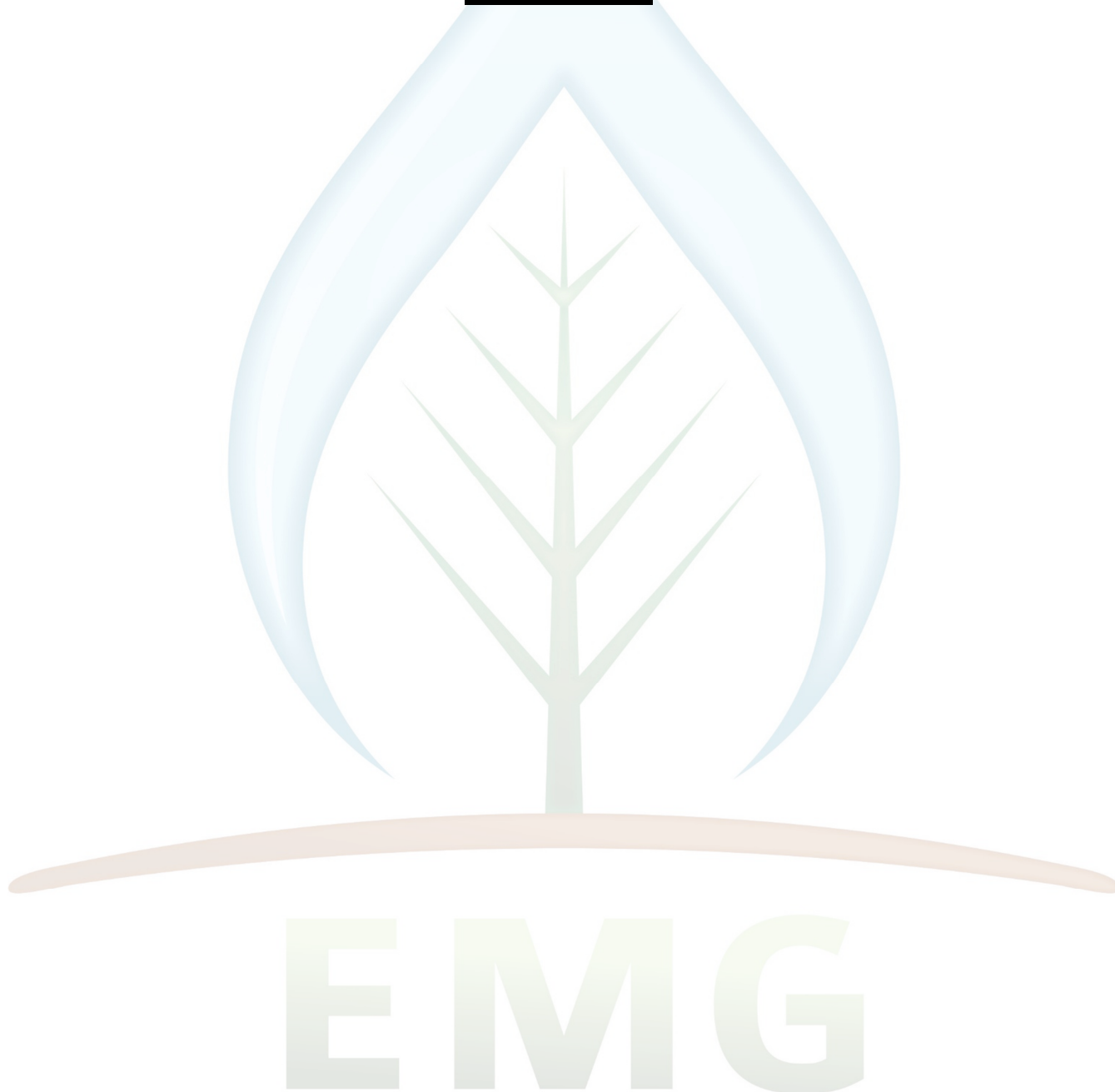
- 3.4 The Licensee must notify by the Regional Head within 24 hours of the occurrence or potential occurrence of any incident which has the potential to cause, or has caused water and environmental pollution, health risks or which is a contravention of the licence conditions.

4 SITE SPECIFIC CONDITIONS

- 4.1 Since there is no groundwater abstraction for the proposed activity, no Geo-Hydrological Report is required. There are no foreseen impacts associated with the proposed activity on the groundwater resources.
- 4.3 The application must conduct a phased approach to remove conservancy tanks out of the 1:100 year floodline within six (6) month of issuance of this licence.

[END OF LICENCE]

APPENDIX L: ENVIRONMENTAL **AUTHORISATION DESTINATION RIVER** **RESORT**





agriculture, environmental affairs,
rural development and land reform

Department:
agriculture, environmental affairs,
rural development and land reform .
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

**RECTIFICATION OF UNLAWFUL COMMENCEMENT OR CONTINUATION OF A
LISTED ACTIVITY**
**in terms of Section 24G of the National Environmental Management Act, 1998
(Act No. 107 of 1998), as amended**

Reference Number:	S24G 01/02/2019
Last Amended:	
Holder of Authorisation:	Leon and Carmen Humphreys
Location of activity:	RECTIFICATION OF DESTINATION RIVER RESORT DEVELOPMENT, PORTION 18 OF FARM 387, GORDONIA RD GROBBLEERSHOOP, KHEIS LOCAL MUNICIPALITY IN THE NORTHERN CAPE.

DEFINITIONS

“Activity” means an activity identified in Government Notice No. 38282 R. 983 and of 2014 as a listed activity.

“Applicant” means a person who has submitted an application

“Application” means an application for an environmental authorization in terms of chapter 3 of these regulations

“Basic assessment” means a process contemplated in regulation 22

“Basic assessment report” means a report contemplated in regulation 23

“EAP” means an environmental assessment practitioner as defined in section 1 of the Act

“Environmental management plan” means an environmental management plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 34

“Interested and affected party” means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes

Any person, group of persons or organisation interested in or affected by an activity, and

Any organ of state that may have jurisdiction over any aspect of the activity

“Public participation process” means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters

“The Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998)

DECISION

The Department is satisfied, because of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to continue with the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by Section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended the Department hereby authorises –

Leon and Carmen Humphreys with the following contact details:
29 5th Ave Osterville
Upington
8801

Within the jurisdiction of the Kheis local Municipality, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Activity (12):

The development of;

- (i) dams or wiers, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres;
- (ii) Infrastructure or structures with a physical footprint of 100 square metres or more;

Where such development occurs;

- (a) Within a watercourse
- (b) In front of development setback; or
- (c) In no development setback; exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

Activity (19)

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse.

Activity (27)

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for;

- (i) The undertaking of a linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

Activity (6)

The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.

Activity (12)

The clearance of 300 square metres or more of indigenous vegetation except where such clearance of vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

Activity 14

The development of;

- (i) Dams or weirs, where the dam or weir, including infrastructure and watersurface area, exceeds 10 square metres;
- (ii) Infrastructure or structures with a physical footprint of 10 square metres or more;

Where such development occurs;

- (a) Within a watercourse;
- (b) In front of a development setback; or
- (c) If no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

The proposed resort development is on portion 18 of Farm 387, Gordonia Road Grobblershoop !Kheis Local Municipality.

CONDITIONS

Scope of authorisation:

1. Rectification of the activity is subject to the conditions contained in this authorisation, the conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are rectified may only be carried out at the property indicated above.

4. Any changes to, or deviations from the project description set out in this rectification authorisation must be approved, *in writing*, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This rectification authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

General conditions:

6. A copy of this rectification authorisation **must** be kept at the property where the activity will be undertaken. The authorisation **must** be produced to any authorised official of the Department who requests to see it and **must** be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation **must** notify the Department, in writing and within 24(TWENTY FOUR) hours, if condition 17 of this authorisation cannot be or is not adhered to.
9. In all other cases, the holder of the authorisation **must** notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
10. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
11. This rectification authorisation is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
12. The commenced without the necessary permits/licenses/approvals, where it is relevant, from or with the relevant regulatory authorities

whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs National Department of Agriculture Forestry & Fisheries, Department of Water and Sanitation,, Department of Transport, Roads & Public Works, South African Heritage Resources Agency, remains illegal.

13. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein:
 - i. Conditions: 11 18 & 25.
14. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
15. The applicant must carry out monthly environmental audits to establish compliance with the conditions of this authorization and contracts.
16. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
17. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
18. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
19. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified.

20. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
21. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
22. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
23. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.

Specific conditions:

24. Recommendations made by Dr. N Rooyen on the Botanical Assessment Report for Destination Rock Inn Resort Development, Grobblershoop (Portion 18 of Farm 387 are to be adhered to.
- 24.1 Comments as stipulated by Ubique Heritage Consultants on the Palaeontological desktop assessment for the resort development are strictly to be adhered to.

Appeal of authorisation:

25. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
26. The notification referred to in 24 must –
- specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

If the applicant should appeal against this record of decision, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

27. The Environmental Management Plan (EMP) submitted must be adhered to all NEMA EIA Regulations prescripts;
28. All areas disturbed during the commissioning of the activity must be rehabilitated.
29. Best practice of waste avoidance, minimisation and disposal of waste at an appropriate facility must be implemented.

Monitoring:

30. The monitoring of the constructors' compliance with conditions of this Environmental Authorization is essential and **must** be done on a weekly basis. Any deviances from the conditions of this Environmental Authorization must be rectified immediately.
31. A copy of this Rectification Authorization and an EMP must always be available on site so as to monitor compliance with the conditions outlined in both the documents (EA and EMP). Both copies of an EMP and EA must be used as on-site reference documents during all phases of this development.

Recording and Reporting to the Department:

32. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Compliance and Monitoring section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
33. Should the developer be requested to submit an audit report, it will be his/her (developer) responsibility to appoint an independent auditor at his or her own expenses and submit an audit report within the time specified by this Department.
34. Any complaints regarding then said development must be brought to the attention of the Department within 24 hours after receiving the complaints register must be kept up to date for inspection by the Department.
35. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

Commissioning of the activity:

36. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
37. General waste must be collected in containers disposed of regularly at a permitted landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.
38. Should protected trees be destructed, relocated and /or disturbed, permit must be obtained from Department of Environment, Forestry and Fisheries (DEFF) and Department of Environment and Nature Conservation (DENC).
39. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorisation as soon as possible to the satisfaction of parties concerned.
40. The authorized activities, including site preparation shall not commence before the statutory 30 days of an appeal period has expired.
41. The safety of the participants must be ensured by having regular safety inspection and ensuring participants are equipped with necessary safety equipments.
42. Open fire is strictly prohibited on site.
43. All recommendations of the National Heritage Resources Act regarding protection of graves and archeological artifacts must be implemented.
44. Untreated sewage must not be discharged directly into the natural environment.
45. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will be allowed except not at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.
46. The development must comply with the Municipal by-laws
47. Chemical toilets must be available for workers on site during construction phase only, i.e. sewage waste must be disposed of at the Municipal sewage

plant on a regular basis. No “long drop” toilets will be allowed. No open space or surrounding bush shall be used as toilet facility under any circumstances.

48. It is the holder of this authorization’s responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.
49. All the areas (e.g. stockpiling of material, machines, workshop, etc) in the construction site must be clearly defined.
50. The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from site when necessary.
51. It is the contractor’s responsibility that all staff/employees are familiar with all the emergency procedures. The contractor must also ensure that emergency numbers are visible and available and always updated.
52. The contractors must use Ready-Mix concrete. Alternatively, concrete can be mixed on mixing trays only and not on exposed soil. Concrete must be mixed only in areas which have been specially demarcated for this purpose.
53. The contractor must take all the necessary precautionary measures to ensure that no fires are caused because of construction activities.
54. Old cement bags, mixing bags, platforms etc should be discarded in a wind and spill proof container. No cement bags closed or open should be left lying around the site. All visible remains of concrete should be physically removed as soon as possible and disposed of at a suitable site.
55. All vehicles, equipment’s and other assets belonging to the contractor must be removed from the property upon completion of the construction works.
56. Topsoil removed during excavations must be kept separate from other material.
57. Topsoil must be placed above other material during backfilling.
58. Precautionary principles must be followed as people’s lives depend on the project.
59. The central waste collection point must be specific –where it will be situated to ensure that no soil or underground water contamination takes place the waste collection should be done at least on weekly basis.

Operation of the activity:

60. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.
61. General waste must be collected in drums and disposed of weekly at a permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose. **NB:** No temporary dumping of waste is allowed on site. Precautionary measure should be taken to prevent refuse from spreading from or on the site.
62. The sewage tanks must be large enough to contain the expected volume of sewage and must be built according to the approved regulations and must be inspected by a qualified official of the Municipality before use.

Site Closure and Decommissioning:

63. Should the activity ever cease or become redundant the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at the time.
64. Should the project be abandoned or decommissioned, a Closure Management Plan must be compiled and the holder of the Environmental Authorization must rehabilitate the site to the satisfaction of this Department.
65. No alien or invader plant species should be introduced on site during rehabilitation.

Non-compliance

66. In the event of non-compliance by employees and contractors during the construction, operation and decommissioning phases of the project, the applicant will be held liable.
67. The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise stated.
68. Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence from the date of issue within a period of three (3) years. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2014, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within ten (20) days of being notified of the decision, and an appeal must **be lodged within thirty (30) days** after lapsing of 20 days contemplated in regulation 60 (1) of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Agriculture, environmental affairs rural development and land reform
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2014 Government Notice No. R. 9833 of 08 September



**Mr. B. Fisher – Director
Environmental Management**

Department OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION:

23 May 2022

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant's, Leon and Carmen Humphrey's applied for RECTIFICATION OF UNLAWFUL COMMENCEMENT OR CONTINUATION OF LISTED ACTIVITIES.

The proposed resort development is on portion 18 of Farm 387, Gordonia Road Grobblershoop !Kheis Local Municipality.

Activities No. 12, 19, 27, 6, 12 and 14 of NEMA 2014 hereafter referred to as "the property"

The applicant appointed Mr. Clinton Geyser from Enviro Africa. to undertake a screening process.

- a) The process followed is a section 24G
- b) The Environmental Assessment Practitioner did submit 24G application form with the Environmental Assessment Report
- c) Paid the fine of R264, 000.00
- d) Proof of Public Participation draft was submitted on the 17th February 2020 and the final report received by the Department on the 20th March 2020.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the 24G application submitted and reviewed by Ms. Tshepiso Lekwene;
- b) The comments received from interested and affected parties as submitted by Mr. Clinton Geyser;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 24F(2) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Environmental Conservation Act, 1989 (Act No. 73 of 1989); and
- d) The findings of the site visit undertaken by, Ms N Ntshanyang and E. Swartbooi based in the Frances Baard, on the 3rdth June 2021.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The application process.
- b) The legal and procedural requirements have been complied with and the information required for the section 24G of NEMA, has come to satisfaction of this Department.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The surrounding area is already disturbed, and the development is illegal
- b) The development will be situated on a relatively flat area.
- c) The environmental impacts associated with the project can be reduced to acceptable levels if properly managed by both the applicant and contractor(s).

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

APPENDIX M: PRE-APPLICATION MEETING MINUTES





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PRE-APPLICATION MEETING MINUTES: PROPOSED 50MW PV ORANGE RIVER SOLAR FACILITY 1, GROBLERSHOOP

19/04/ 2022



EMG



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Attendance

- Ms. Samkelisiwe Dlamini (SD) (Department of Forestry, Fisheries and Environment - DFFE)
- Ms. Masina Litsoane (ML) (DFFE)
- Ms. Dashantha Moodley (DM) (Environmental Management Group - EMG)
- Mr. Sampie van Rooyen (SVR) (EMG)



EMG



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AGENDA

- **Welcome and Introduction**

DM had given a welcome from EMG and thanked the DFFE for accommodating EMG for the meeting. DM also initiated a round of introductions from each attendee.

- **Background of the project and project proponent**

DM provided a brief background of the proposed Groblershoop 50MW PV solar facility, stating the project location, coverage area, and simultaneously illustrating the subject site on a map to provide a clear understanding.

- **Strategic importance of the project considering the socio-economic history of the local community**

A brief statement was provided regarding the importance of the project to the local community, given the history of the community and how this project will uplift the local residents and improve their livelihood.

SVR also stated that the applicant will be recruiting local residents as a part of the workforce for the construction and operational phases of the solar facility.

- **Reason for application for an Environmental Impact Assessment**

DM went through each of the Listed Activities and had explained why EMG considers each activity as applicable. The subject site also traverses Critical Biodiversity Area (CBA2).

DM stated that specific specialist studies have been conducted in this regard such as a Bulk Services Report and an Aquatic Assessment. Existing studies that were conducted for the larger farm area (that are not older than 5 years) will also be utilised, which included the following studies: Fresh Water Report, Botanical Assessment, Heritage Assessment and Bulk Services Report.

SVR enquired if the above-mentioned studies are sufficient, and ML stated that if it covers the subject site of the solar facility and is not older than 5 years, it should be fine, however, they cannot confirm until the reports are reviewed.

SD enquired about any access road that could trigger listed activities, and SVR confirmed that the roads are not big enough to trigger any activities.

SVR enquired about the removal of vegetation and LN2, Activity 15. ML stated that if you are uncertain, it is best to keep the activity and put the worst case scenario.

SVR confirmed that the physical clearance of vegetation will not be greater than 19.9 hectares. Therefore, Activity 15 of LN2 will be replaced by Activity 27 of LN1.

SVR enquires about the S24G application which is currently underway. He provided a brief background of the project which is also occurring on the same property and asked if it can possibly delay the submission of the EA application for the solar facility.



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ML stated that because it is on the same property, the application must be concluded first in conjunction with the payment of the associated fine.
The current S24G application cannot incorporate the solar facility.

SVR showed that the subject site is also within the Phase 1 REDZ Corridor and enquired if the application will not be considered for a Basic Assessment Application (BAR) process, instead of a full EIR.

SD stated that it can, as long as Activity 9 of LN2 is not triggered for any proposed electricity cable lines. SD requested EMG to provide clarity on this.

It was confirmed that Activity 9 of LN2 will not be triggered, thus a Basic Assessment Application (BAR) process will be followed to obtain Environmental Authorisation for the Orange River Solar Facility 1. This will shorten the process by merely a third of the allocated time.

- **Comments**

The specific Listing Notice activities that we will be applying for are tabulated below as per Table 1:

Table 1: Listing Notices and Associated Activities

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1 of the EIA Regulations, 2014 as amended.	Describe the portion of the proposed project to which the applicable listed activity relates.
11	The development of facilities or infrastructure for the transmission and distribution of electricity— (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.	The proposed solar facility will entail the construction of an Eskom substation for the transmission and distribution of electricity.
12	The development of - dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or infrastructure or structures with a physical footprint of 100 square metres or more; (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.	Proposed solar infrastructure and supporting foundation mounting structures such as the power blocks and inverter stations and the new gravel roads that could occur within drainage lines/flow paths of a watercourse.
19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.	The construction of the solar facility and associated infrastructure such as supporting foundation mounting structures such as the power blocks and inverter stations and the new gravel road may require possible depositing of or removal of material



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		within the drainage lines/flow paths of a watercourse.
27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.	The physical clearance of vegetation will not be greater than 19.9 hectares.
Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 3 of the EIA Regulations, 2014 as amended.	Describe the portion of the proposed project to which the applicable listed activity relates.
Activity 12 (b). (ii).	The clearance of an area of 300 square metres or more of indigenous vegetation. Within critical biodiversity areas identified in bioregional plans.	The construction of the solar power facility and its associated infrastructure will entail the clearance of more than 300 square metres of vegetation, within a Critical Biodiversity Area 2 (CBA2).
Activity No(s):	Provide the relevant Scoping and EIR Activity(ies) as set out in Listing Notice 2 of the EIA Regulations, 2014 as amended.	Describe the portion of the proposed project to which the applicable listed activity relates.
1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more.	The proposed solar facility will produce an electricity output of 50 megawatts.

- **Conclusion and way forward**

The minutes must be circulated to all attendees and the client.

SVR also confirmed if it is best to submit online or via a hard copy. DFFE stated online.

Once the fine is paid for the S24G and the Department provides a way forward, then the application and Draft Basic Assessment Report for the solar facility can be submitted.

EMG